UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/23352
3 January 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 2 JANUARY 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The letter dated 2 December 1991 from the representative of the Kuwaiti regime addressed to the President of the Security Council, which was circulated in document S/23261, contained a series of groundless accusations. I should like to set forth the facts refuting those allegations in the order in which they appear in that letter.

1. In connection with the repatriation of Kuwaiti and third-country nationals, I should like to state as follows:

(a) For its part, Iraq has solemnly and meticulously fulfilled its commitment under paragraphs 30 and 31 of Security Council resolution 687 (1991) by facilitating the repatriation of all those Kuwaiti nationals accepted by the Kuwaiti authorities and of all third-country nationals. Iraq has also extended all necessary cooperation to the International Committee of the Red Cross (ICRC) by providing lists of such persons and facilitating the access of ICRC to all such persons wherever located and by allowing ICRC to make the visits that it requested to places of detention and imprisonment.

(b) In cooperation with the ICRC delegation in Baghdad, the competent Iraqi authorities returned to Kuwait 6,518 Kuwaitis or persons of other nationalities, both soldiers and civilians, between 4 March 1991 and the present. There are also at present more than 3,905 Kuwaitis in Iraq who are not detainees but who are at liberty and who move about as they wish among Iraq's governorates. They were given the opportunity to register with ICRC in Baghdad and to submit applications in order to return to Kuwait of their own free will and without interference on the part of the Iraqi authorities. At the outset, the ICRC delegation approached the Kuwaiti authorities with a view to seeking agreement to their repatriation. However, clearances were obtained from the competent Kuwaiti authorities for the return of only 400 of all such Kuwaitis, and we still await their agreement to the repatriation of the remainder so that we can immediately carry out the repatriation under the supervision of ICRC.

(c) In the course of the discussions held at the Geneva meeting between an Iraqi delegation and delegations from the coalition States on 16 and 17 October 1991, the Government of the Republic of Iraq agreed as follows:

That the names of missing Kuwaitis and Saudis would be printed and disseminated in local newspapers so as to trace them and seek information on their fate;

That lists of places of detention and imprisonment would be provided to the ICRC delegation so that it could visit each of them once only.

That the purpose of the visits to detention centres and prisons would be to search for and locate missing Kuwaitis and Saudis, together with the competent Iraqi authorities and the Ministry of Foreign Affairs.

The Iraqi Ministry of Foreign Affairs requested that the principle of reciprocity should be observed by confirming that the above-mentioned procedures would also be followed in Saudi Arabia and Kuwait.

On 17 December 1991, the Iraq Ministry of Foreign Affairs informed the ICRC delegation in Baghdad, by diplomatic note No. 7/4/1/13/66671, that ICRC would be entrusted with the preparation of an overall plan of operation, to be agreed upon by Iraq and the coalition States, concerning methods and procedures for tracing missing Kuwaitis, Saudis, Iraqis and others on the basis of the provisions of the 1949 Geneva Convention.

2. In connection with the Iraq-Kuwait Boundary Demarcation Commission, I should like to state as follows:

(a) Iraq has participated actively and effectively in all the work of the Commission in the four sessions that it has held thus far. The views and proposals presented by the representative of Iraq have helped to facilitate many procedural matters within the Commission, and he was a key participant in the preparation and drafting of the report submitted to the Secretary-General on the work of the Commission. This was stated by the Chairman of the Commission in evaluating his role.

(b) The Commission has discussed substantive matters in the course of the four sessions that it has held. This was stated explicitly by the Chairman of the Commission in his letter dated 11 November 1991, addressed to the Secretary-General (to which the report of the Commission on its work was annexed), in which he said that the Commission had discussed substantive matters in the meetings held at its four sessions.

(c) Iraq had delegated the matter of detailed technical work to the experts of the Commission, and it had communicated this position to the Commission officially. On that basis, it did not attend the technical meeting of the survey experts held in Sweden in order to discuss arrangements for survey work and the demarcation of boundaries.

(d) Despite its previously declared position, Iraq did not obstruct the work of the technical team which visited the border zone in November 1991 and surveyed and photographed the area in preparation for the demarcation of boundaries.

(e) Iraq's position within the Commission cannot be characterized as far from being cooperative or constructive, inasmuch as its representative, in his capacity as a member of the Commission, is entitled under the Commission's rules of procedure, to object to the decisions that it takes. Iraq's representative explained as much, as is recorded in the minutes of the meetings.

3. With regard to the return of Kuwaiti property, Iraq has expressed its absolute readiness to cooperate with Assistant Secretary-General Foran, the coordinator for the return of Kuwaiti property. The two parties have cooperated, and are even now cooperating, in accordance with the agreement reached with representatives of the Ministry of Foreign Affairs. For the purposes of handing over Kuwaiti property and items, four priorities were established as being of paramount importance for the Kuwaiti side, namely:

(a) The return of aircraft: the Iraqi side - through representatives of the United Nations - returned a civilian aircraft to the Kuwaiti side or its representative at Amman, Jordan, during May 1991, and a further civilian aircraft was returned at the Muthanna airfield, Baghdad, on 31 July 1991.

(b) 3,216 gold ingots and a number of coins and banknotes were handed over to the Kuwaiti side in the area of Ar'ar, Saudi Arabia, on 5 August 1991 under the supervision of United Nations representatives. The operation lasted approximately one month.

(c) Books belonging to the Kuwait Central Library were handed over to the Kuwaiti side in the area of Ar'ar, Saudi Arabia, on 13 September 1991 under the supervision of United Nations representatives.

(d) Iraq returned the Kuwaiti museum items, amounting to some 17,000 ancient pieces, to the Kuwaiti side in Baghdad. The hand-over operation inside the Iraqi Museum lasted for over one month, from 16 September to 20 October 1991, and was conducted under the supervision of United Nations representatives. The pieces were transported by air to Kuwait via the Habbaniyah airfield.

During the operations to return the aforementioned items, negotiations were simultaneously being conducted concerning the technical arrangements and timetable for the hand-over of other items. The following items have already been returned to the Kuwaiti side:

(a) Assets belonging to the Kuwait News Agency (KUNA) were handed over at Ar'ar, Saudi Arabia, on 17 September 1991 under the supervision of United Nations representatives.

(b) Iraq returned nine Boeing and Airbus aircraft engines to the Kuwaiti side, and the engines were transported by air from the Habbaniyah airfield on 13 November 1991 under United Nations supervision.

(c) 16 metal safes belonging to the Kuwait Central Bank were handed over on 15 December 1991 and transported by air from the Habbaniyah airfield under United Nations supervision.

(d) 4 Hawk military training aircraft were handed over to the Kuwaiti side on 15 December 1991 at the Rashid military airbase under United Nations supervision.

At the same time that Iraq is extending the fullest possible cooperation to United Nations representatives with respect to the return of Kuwaiti property, a number of Iraqi ministries and establishments are prepared to hand over property and items in their possession. Lists of the aforementioned items have been prepared, and the United Nations coordinator, Mr. Foran, has been formally notified with a view to agreeing on the technical arrangements for their hand-over. The items are as follows:

(a) Ministry of Defence: mid-January 1992 has been set in principle as the date for hand-over to begin, south of Safwan in the demilitarized zone.

(b) Iraqi Airways: mid-January 1992 has been set in principle as the date for the hand-over of spare parts.

(c) Ministry of Health: the Iraqi side is still awaiting details of the place and time for the hand-over of items on the lists submitted to Mr. Foran.

(d) Ministry of Transport and Communications: the Iraqi side is still awaiting some spare parts which the Kuwaiti side agreed to provide in order to repair the boats' trailers. It is also waiting for a date to be fixed for the hand-over of these items.

4. With regard to cooperation with the United Nations Iraq-Kuwait Observation Mission, I wish to refer to my letter dated 17 December 1991, as contained in document S/23290. In that letter, I set out the facts of the situation with respect to Kuwait's false assertions concerning the five police posts and allegations of repeated Iraqi infiltration operations into Kuwaiti territory.

In conclusion, I should like to emphasize to you once again that the basic objective of the letter from the representative of the Kuwaiti regime is to perpetuate the economic embargo imposed on Iraq by claiming that it has not fully complied with the Security Council resolutions.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Sabah Talat KADRAT
Deputy Permanent Representative
Chargé d'affaires a.i.